

FILED

SEP 21 2017

Clerk, U.S. Courts
District Of Montana
Missoula Division

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHANE MICHAEL SAUNDERS,

Defendant.

CR 17-11-M-DWM

ORDER

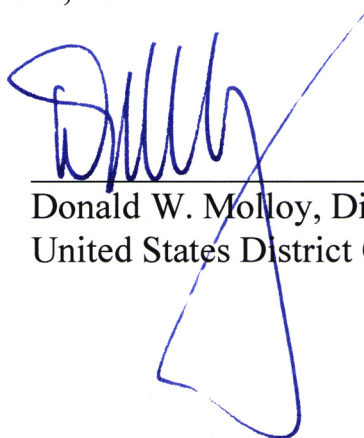
The United States moves to dismiss the Indictment in this case without prejudice. Rule 48(a) of the Federal Rules of Criminal Procedure states that the Government may, with leave of Court, dismiss an Indictment. The defendant does not oppose the motion, and the dismissal is not to harass or otherwise prejudice the defendant. *See United States v. Gonzalez*, 58 F.3d 459, 461 (9th Cir. 1995).

In April of 1940, then Attorney General Robert H. Jackson spoke to the Second Annual Conference of United States Attorneys. He eloquently addressed

the duties and responsibilities of what he called “one of the most powerful peace-time forces known to our country,” noting that “the prosecutor has more control over life, liberty, and reputation than any other person in America. His[/her] discretion is tremendous.” Justice Jackson’s message was to encourage line prosecutors not necessarily to “win,” but more importantly, to exercise their discretion to do justice. That has been done in this case.

Accordingly, IT IS ORDERED that the United States’ motion (Doc. 48) is GRANTED. The Indictment in this matter is DISMISSED WITHOUT PREJUDICE. All pending motions are DENIED as MOOT and all deadlines are VACATED.

Dated this 21st day of September, 2017.



Donald W. Molloy, District Judge
United States District Court